

### **Remarks**

In the Office Action dated July 16, 2009, claims 55-74 were pending, and all were rejected. Claims 55-70 are cancelled herein and new claims 75-81 have been added herein. No new matter has been added by these amendments as these new claims depend from pre-existing claim 71. Reexamination and reconsideration of the claims is respectfully requested in view of the following remarks.

### **Moot Rejections**

The rejections under §112, first paragraph for written description is now moot as the claims rejected thereunder have been cancelled and the newly added claims depend from claim 71 which was not previously rejected for lack of written description. The rejection under §103 are also moot as all rejected claims have been cancelled and all newly added claims depend from claim 71, which the Examiner did not reject as obvious.

### **Rejections Under 35 U.S.C. §112, First Paragraph – Enablement**

The Examiner has rejected claims 55-74 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully submit that this rejection is moot as to claims 55-70 as these claims have been cancelled and provide the following remarks pertaining to now pending claims 71-81.

The deposit line CFL667 has been deposited with the NCIMB under the Budapest Treaty. This strain will be irrevocably and without restriction or condition released to the public upon the issuance of a patent.

**CONCLUSION**

Applicants respectfully submit that all outstanding issues in the present case have been addressed in this paper. Applicants request continued prosecution on the merits and allowance of the claims as presented herein. The Examiner is invited and encouraged to call the undersigned attorney for Applicants at 919-765-5117 in the event that issues remain unresolved by this response and could be discussed via telephone for clarification.

Respectfully submitted,



Syngenta Biotechnology, Inc.  
Patent Department  
Post Office Box 12257  
Research Triangle Park, NC 27709-2257

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S. Matthew Edwards  
Attorney for Applicants  
Reg. No. 55,141  
Phone: (919) 765-5117

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